

Human Rights Commission

[HTTP://WWW.COLUMBUS.IN.GOV/CHRC-INDEX.HTML](http://www.columbus.in.gov/chrc-index.html)

From the Director—

There is an interesting federal court case, that civil rights lawyers and human rights workers know well. It is a sex discrimination case, but its facts are very different than the usual sex discrimination case. The case is called Smith v. City of Salem. You can read the entire case at: <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=6th&navby=case&no=04a0262a>. The person who brought suit in this case is Jimmie Smith, a City of Salem, Ohio firefighter, who worked for the Fire Department for seven years, never had any problems as an employee and rose to the rank of lieutenant. After working as a firefighter for seven years, Jimmie who was born biologically a male, was diagnosed with Gender Identity Disorder (GID), which is recognized by the American Medical Association as an illness that is treated by having that person begin to make a transition to the gender he or she more closely identifies with. Jimmie felt he was really a woman, considered himself a pre-operative transsexual and under doctor's orders, began dressing and acting more feminine. He had not yet

and when he didn't act in a traditional way, he was harassed, suspended, fired and horribly mistreated, and none of his mistreatment had anything to do with job performance. So as you can see, this precedent defines sex discrimination to mean that you can't be mistreated because you don't fit traditional gender norms. This case, and other cases, is what I use as the Human Rights Director to help me know how to interpret the local ordinance—the local law that this office enforces, that prohibits discrimination. The law is complicated, and it is hard to explain to the layperson. If I were to describe the facts of Jimmie's case to the average person, they would say it was a sexual orientation case, or a transgender or gender identity case. But the court ruled on that case using sex discrimination law—the same kind of law we have in local ordinance here in Columbus, Indiana. There are many kinds of cases this office can take, and if you wonder if you've been discriminated against, you should call and conduct a phone intake with Lula. Next month, I will explain the kind of "sexual orientation" case that is not covered under local ordinance or state law. Are there problems in Columbus involving sexual orientation discrimination that this office doesn't know about? Or are most problems adequately addressed by local sex discrimination law, sexual harassment law, fair housing law, and disability law? The Commissioners are trying to find that out, and they have created an Ad Hoc Study Committee, made up of Commissioners Ian Kohen, John Roberts and John Stroh, to study the issue. The Ad Hoc Study Committee has created a report form (see the back of this newsletter), to learn more about what is happening in Columbus.

Valuing Diversity and

Promoting Equality Since 1962

Mission: To lead Columbus in building and maintaining an inclusive community by:

- Enforcing the Human Rights Ordinance
- Educating the Public
- Challenging attitudes and systems that create barriers to equality
- Empowering community members to advance this mission.

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had surgery. He began to be questioned and teased by his co-workers, so he went to his supervisor for help. He told his supervisor about his diagnosis, gave him information, and asked for his help in dealing with his co-workers. His supervisor immediately began a series of meetings with the fire chief, the legal director for the city, and human resources, and required Jimmie to see doctors selected by the city, suspended him from work, and ultimately tried to fire him. Things got very bad for Jimmie at the Fire House while he appealed these decisions. Jimmie ultimately sued his employer, the City of Salem, Ohio. The 6th Circuit Court of Appeals found that the City of Salem had indeed discriminated against Jimmie, but not based on sexual orientation, or his status as a transsexual. They ruled that Jimmie had been discriminated against based on sex discrimination—that he being a man, was expected to act and dress a certain way,

**A REPORT OF SEXUAL ORIENTATION DISCRIMINATION
IN COLUMBUS/BARTHOLOMEW COUNTY**

Send to:

Columbus Human Rights Commission

123 Washington Street #5, Columbus, IN 47201

Phone: (812) 376-2532

Fax: (812) 375-2752

TDD: (812) 375-2720, or by email to: humanrights@columbus.in.gov

ARE YOU, OR HAVE YOU BEEN, A RESIDENT OF COLUMBUS/BARTHOLOMEW Co.? YES - ☐ NO - ☐

ARE YOU EMPLOYED IN, HAVE BEEN EMPLOYED IN, COLUMBUS/BARTHOLOMEW Co.? YES - ☐ NO - ☐

A. SEX: MALE - ☐ FEMALE - ☐

B. AREA OF DISCRIMINATION (more than one may be checked):

EMPLOYMENT:	<input type="checkbox"/>	HOUSING:	<input type="checkbox"/>
CREDIT:	<input type="checkbox"/>	EDUCATION:	<input type="checkbox"/>
PUBLIC ACCOMMODATION:	<input type="checkbox"/>	HATE CRIME:	<input type="checkbox"/>
		OTHER:	<input type="checkbox"/>

EXPLAIN 'OTHER' or 'HATE CRIME': _____

C. PLEASE GIVE A DESCRIPTION OF WHAT HAPPENED (use back if needed): _____

WHEN DID THIS HAPPEN? _____

D. HOW DID YOU LEARN ABOUT THIS REPORTING PROCESS? _____

E. HAVE YOU REPORTED THIS TO ANYONE? YES - ☐ NO - ☐
IF SO, WHO? _____
WHAT HAPPENED? _____

F. IF YOU DID NOT REPORT IT, PLEASE EXPLAIN WHY? _____

OPTIONAL:

NAME /WORK LOCATION: _____

ADDRESS: _____

PHONE: _____